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## NOTICE OF ALLOWANCE AND FEE(S) DUE

34350            7590            11/26/2008

GUNNISON, MCKAY & HODGSON, L.L.P.  
1900 GARDEN ROAD, SUITE 220  
MONTEREY, CA 93940

EXAMINER

PICH, PONNOREAY

ART UNIT

PAPER NUMBER

2435

DATE MAILED: 11/26/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,591	04/21/2004	Matthew Conover	SYMC1050	6738

TITLE OF INVENTION: GRANULAR ACCESS CONTROL METHOD AND SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	02/26/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

34350            7590            11/26/2008

**GUNNISON, MCKAY & HODGSON, L.L.P.**  
1900 GARDEN ROAD, SUITE 220  
MONTEREY, CA 93940

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,591	04/21/2004	Matthew Conover	SYMC1050	6738

TITLE OF INVENTION: GRANULAR ACCESS CONTROL METHOD AND SYSTEM

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	02/26/2009
EXAMINER	ART UNIT	CLASS-SUBCLASS				
PICH, PONNOREAY		2435	726-026000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/829,591	04/21/2004	Matthew Conover	SYMC1050	6738
34350	7590	11/26/2008	EXAMINER	
GUNNISON, MCKAY & HODGSON, L.L.P. 1900 GARDEN ROAD, SUITE 220 MONTEREY, CA 93940				PICH, PONNOREAY
ART UNIT		PAPER NUMBER		
2435 DATE MAILED: 11/26/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 995 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 995 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/829,591	CONOVER, MATTHEW	
	<b>Examiner</b> PONNOREAY PICH	<b>Art Unit</b>	2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/15/08.
2.  The allowed claim(s) is/are 1-3,5-10,13,14,17,20-25 and 35-37.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Serge J. Hodgson (Reg. no. 40,017) on 11/17/08. The amendment to the independent claims (claims 1 and 35-37) are to place the claims in condition for allowance over prior art found in an updated search. This is done by moving limitations from claim 19 into the independent claims. For example, with claim 1, it does not appear that the prior art teaches or would make obvious the combination of limitations that applicant had added in the response filed on 8/15/08 along with the new limitations currently recited in claim 19. The amendment to claims 2, 3, 5, and 22 are to fix minor informalities and possible 112, 2<sup>nd</sup> problems. The amendment to claim 36 is also to fix minor informalities. With respect to claim 36, the examiner noted that "tangible computer-readable storage medium" was not explicitly defined in the specification and asked Mr. Hodgson to confirm whether or not "tangible computer-readable storage medium" was meant to encompass signals. Mr. Hodgson stated that it was not meant to encompass signals. As per MEP 713.04, because the substance of the interview has been summarized herein, a separate interview summary form is not provided.

The application has been amended as follows:

**AMEND THE FOLLOWING CLAIMS AS FOLLOWS:**

1. (Currently amended) A method comprising:

stalling an attempt to reference an object;

determining whether an attempter that originated said attempt is authorized to access said object, wherein upon a determination that said attempter is authorized to access said object, said method further comprising saving at least part of said object;

stalling an attempt to release said object; [[and]]

determining whether said object has changed, wherein upon a determination that said object has changed, said method further comprising determining if said attempter is authorized to change said object; and

wherein upon a determination that said attempter is authorized to change said object, said method further comprising releasing said attempt to release said object.

2. (Currently amended) The method of Claim 1 wherein upon a determination that said attempter is authorized to access said object, said method further comprising releasing said attempt to reference said object.

3. (Currently amended) The method of Claim 2 wherein upon said releasing said attempt to reference said object, said method further comprising determining if access is granted using an access control list.

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5. (Currently amended) The method of Claim 1 wherein upon a determination that said attempter is not authorized to access said object, said method further comprising denying said attempt to reference said object.

19. (Cancelled)

22. (Currently amended) The method of Claim 1 further comprising:  
determining that said attempter did not have authority to change said object;  
restoring said object comprising:  
restoring a restricted change to said object made by said attempter,  
wherein said attempter [[attempted]] is not authorized to make said restricted change;  
and  
allowing a permitted change to said object made by said attempter,  
wherein said attempter [[attempted]] is authorized to make said permitted change; and  
releasing said attempt to release said object.

35. (Currently amended) A system comprising:

a memory;  
a means for stalling an attempt to reference an object;  
a means for determining whether an attempter that originated said attempt is authorized to access said object;

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a means for saving at least part of said object upon a determination that said attempter is authorized to access said object;

a means for stalling an attempt to release said object;

a means for determining whether said object has changed; [[and]]

a means for determining if said attempter is authorized to change said object upon a determination that said object has changed; and

a means for releasing said attempt to release said object upon a determination that said attempter is authorized to change said object.

36. (Currently amended) A computer-program product comprising a tangible computer-readable storage medium containing computer program code comprising:

a behavior blocking and monitoring application [[for stalling]] that stalls an attempt to reference an object;

said behavior blocking and monitoring application further [[for]] determining whether an attempter that originated said attempt is authorized to access said object, wherein upon a determination that said attempter is authorized to access said object, said behavior blocking and monitoring application further [[for]] saving at least part of said object;

said behavior blocking and monitoring application further [[for]] stalling an attempt to release said object; [[and]]

said behavior blocking and monitoring application further [[for]] determining whether said object has changed, wherein upon a determination that said object has

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changed, said behavior blocking and monitoring application further [[for]] determining if said attempter is authorized to change said object; and

said behavior blocking and monitoring application releasing said attempt to release said object upon a determination that said attempter is authorized to change said object.

37. (Currently amended) A computer system comprising:

a memory having stored therein a behavior blocking and monitoring application;  
and

a processor coupled to said memory, wherein execution of said behavior blocking and monitoring application generates a method comprising:  
stalling an attempt to reference an object;  
determining whether an attempter that originated said attempt is authorized to access said object, wherein upon a determination that said attempter is authorized to access said object, said method further comprising saving at least part of said object;

stalling an attempt to release said object; [[and]]  
determining whether said object has changed, wherein upon a determination that said object has changed, said method further comprising determining if said attempter is authorized to change said object; and

wherein upon a determination that said attempter is authorized to change said object, said method further comprising releasing said attempt to release said object.

The following is an examiner's statement of reasons for allowance:

As per claim 1, the prior art does not teach or make obvious the combination of limitations of "stalling an attempt to release said object; determining whether said object has changed, wherein upon a determination that said object has changed, said method further comprising determine if said attempter is authorized to change said object; and wherein upon a determination that said attempter is authorized to change said object, said method further comprising releasing said attempt to release said object". Note that an updated search turned up Kurtzberg et al (US 6,073,240) which teaches determining/analyzing whether a user that had modified a file is authorized to do so. This was the closest prior art to the above limitation. However, Kurtzberg is silent with respect to based on the determining/analyzing, releasing the attempt to release the object. Kurtzberg does not discuss stalling an attempt to release an object at all, thus cannot teach releasing the attempt to release the object. The examiner does not believe the claimed combination when viewed as a whole would have been obvious to one of ordinary skill in the art at the time applicant's invention was made even with Kurtzberg's additional teachings.

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Independent claims 35-37 recite similar combinations of limitations and are allowed for similar reasons as claim 1. The remaining claims are allowed due to dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/  
Examiner, Art Unit 2435  
/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435